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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,486	02/20/2004	William Christopher Edwards	LAR 16324-2	2124
23351	7590	01/17/2006		
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION LANGLEY RESEARCH CENTER MAIL STOP 141 HAMPTON, VA 23681-2199				EXAMINER LIEU, JULIE BICHNGOC
			ART UNIT 2636	PAPER NUMBER

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/783,486	EDWARDS ET AL.	
	Examiner	Art Unit	
	Julie Lieu	2636	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 November 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 11-46 is/are allowed.
- 6) Claim(s) 1,2 and 5-10 is/are rejected.
- 7) Claim(s) 3 and 4 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. This Office action is in response to Applicant's response filed November 04, 2005. No claims have been canceled, or added.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 7, "the activating means" lacks antecedent basis.

Claim Rejections - 35 USC § 103

4. Claims 1-2 and 5-10 are rejected under 35 U.S.C. 102(e) as being unpatentable over Law (US Patent No. 5,812,056) in view of Vetechnik (US Patent No. 4,800,370).

Claim 1:

Law discloses a system comprising:

- a. a transmitter (transmitter of transceiver 200) for transmitting at least one encoded wireless signal, the at least one encoded wireless signal having a predetermined range of transmission;
- b. means (receiver of transceiver 200) operatively coupled to the transmitter, for detecting the presence of at least one object in a position;
- c. means 230, operatively coupled to the detecting means, for activating the transmitter to generate the at least one encoded wireless signal when the presence of the at least one object is detected;
- d. a receiver (receiver of transceiver 100), remotely located with respect to the transmitter, capable of sensing the at least one encoded wireless signal when the receiver is within the predetermined range of transmission; and
- e. a receiver controller 30 coupled to the receiver

Law fails to disclose having a timing function which timing function timing to a time interval wherein, at the completion of each time interval, the receiver controller (i) repeats the timing function when the at least one encoded signal is sensed by the receiver or (ii) issues an alarm signal when the at least one encoded signal is not sensed by the receiver. However, this

concept is very old and well known in the art as taught in Vetechnik (see col. 1, last para..) In light of this teaching, one skilled in the art would have applied this concept in the system of Law because it would reduce false alarms.

Claim 2:

The at least one encoded wireless signal in Law is an RF signal.

Claim 5:

The system of Law's further comprises means which is the transmitter of the guardian unit, operatively coupled to the receiver controller, for communicating an alarm when the receiver controller issues an alarm signal.

Claim 6:

In Law's system, the communicating means comprises an audio output 46 for generating at least one audio output in response to the alarm signal.

Claim 7:

The communicating means further comprises audio means, operatively coupled to the activating means, for generating an audio output when the detecting means senses that the at least one object is in the position. Col. 4 in Law, second paragraph.

Claims 8 and 9:

It is inherent that the receiver controller in Law further comprises a replaceable source for supplying power to the receiver, the receiver controller, the at least one receiver controller and the means for generating a first and second alarms since the devices in Law are wireless portable devices.

Claim 10:

In Law, the at least one object is a child.

Allowable Subject Matter

5. Claims 3-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claims 11-46 are allowed.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-572-8300.

Art Unit: 2636

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Julie Lieu
Primary Examiner
Art Unit 2636

Jan 12, 06